

WORKMEN'S COMPENSATION

Exchange of notes at Ciudad Trujillo October 14 and 19, 1943
Entered into force October 19, 1943

57 Stat. 1180; Executive Agreement Series 353

*The American Chargé d'Affaires ad interim to the Secretary
of State for Foreign Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
Ciudad Trujillo, D.R., October 14, 1943

No. 141

EXCELLENCY:

I have the honor to refer to conversations which have taken place between officers of the Dominican Department of State for Foreign Affairs and of the Embassy with respect to compensation benefits which may be claimed by American citizens employed on projects under construction or operation by cost plus contractors with the Government of the United States in the Dominican Republic.

The Congress of the United States by Public Law 208, 77th Congress,¹ as amended by Public Law 784, 77th Congress,² has provided a mandatory and uniform system of compensation benefits as embodied in the Longshoremen's and Harbor Workers' Act, and administered by the United States Employees' Compensation Commission for American nationals employed by contractors in foreign countries on or in connection with United States Government projects.

The purpose of this legislation was two-fold (1) to insure that all American workmen engaged outside the United States on these Government projects would be treated equally and (2) since these American workmen have rights under the compensation acts of the country in which they are working in the absence of some arrangement with that country, there is every possibility of an American workman collecting double benefits. Such double benefits would be ultimately paid for by the United States Government since the contracts above referred to are on a cost-plus-a-fixed-fee basis under which the Government reimburses for such expenditures.

¹ 55 Stat. 622.

² 56 Stat. 1035.

Furthermore, in view of the fact that these workmen performing work in foreign countries are there temporarily it is necessary to provide them and their families (in the event of their death) with a system of benefits administered in the United States as well as in foreign countries, as is the situation under the Longshoremen's and Harbor Workers' Act. This is particularly true since in the event of a workman's disability or death, as the case may be, compensation payments to himself or dependents will continue for a long period of years. If some such arrangement had not been made by Congress (in the passage of Public Laws 208 and 784 hereinabove referred to) it would have been necessary for American workmen or their families to return to foreign countries in order to litigate or collect local compensation benefits.

It is the desire of the Government of the United States that Public Law 208, 77th Congress, as amended by Public Law 784, 77th Congress, will be made the exclusive remedy for workman's compensation, injury or death therein of American employees of American contractors with the United States Government.

Inasmuch as the insurance furnished these American employers is written by American companies it would be appreciated if Your Excellency's government would permit American insurance companies to service the insured risks involved, by furnishing claim adjustors and safety engineers and to maintain any facilities that may be necessary solely and only for such purpose.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

ROBERT NEWBEGIN
Chargé d'Affaires ad interim

His Excellency
MANUEL PEÑA BATLLE
Secretary of State for Foreign Affairs
Ciudad Trujillo, D.R.

The Secretary of State for Foreign Affairs to the American
Chargé d'Affaires ad interim

[TRANSLATION]

DOMINICAN REPUBLIC
DEPARTMENT OF STATE
FOR FOREIGN AFFAIRS

CIUDAD TRUJILLO
DISTRICT OF SANTO DOMINGO
October 19, 1943

21702

MR. CHARGÉ D'AFFAIRES:

I have the honor to acknowledge receipt of your note 141 of October 14, 1943, in which the Embassy, in the name of the Government of the United

States, transmits to the Dominican Government the request quoted below in Spanish translation:

[For text of U.S. note, see above.]

M. PEÑA BATLLE

The Honorable

ROBERT NEWBEGIN

*Chargé d'Affaires ad interim
of the United States of America,
Embassy.*